

19-6-704 Powers and duties of the board.

- (1) The board shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to administer this part and to comply with 40 CFR 279, Standards for the Management of Used Oil, to ensure the state's primacy to manage used oil under 40 CFR 279. For these purposes the board shall:
- (a) establish by rule conditions and procedures for registration and revocation of registration as a used oil collection center, used oil aggregation point, or DIYer used oil collection center;
 - (b) provide by rule that used oil aggregation points that do not accept DIYer used oil are required to comply with used oil collection standards under this part, but are not required to be permitted or registered;
 - (c) establish by rule conditions and fees required to obtain permits and operate as used oil transporters, used oil transfer facilities, used oil processors and rerefiners, and used oil fuel marketers;
 - (d) establish by rule the amount of liability insurance or other financial responsibility the applicant shall have to qualify for a permit under Subsection (1)(c);
 - (e) establish by rule the form and amount of reclamation surety required for reclamation of any site or facility required to be permitted under this part;
 - (f) establish by rule standards for tracking, analysis, and recordkeeping regarding used oil subject to regulation under this part, including:
 - (i) manifests for handling and transferring used oil;
 - (ii) analyses necessary to determine if used oil is on-specification or off-specification;
 - (iii) records documenting date, quantities, and character of used oil transported, processed, transferred, or sold;
 - (iv) records documenting persons between whom transactions under this subsection occurred; and
 - (v) exemption of DIYer used oil collection centers from this subsection except as necessary to verify volumes of used oil picked up by a permitted transporter and the transporter's name and federal EPA identification number;
 - (g) authorize inspections and audits of facilities, centers, and operations subject to regulation under this part;
 - (h) establish by rule standards for:
 - (i) used oil generators;
 - (ii) used oil collection centers;
 - (iii) DIYer used oil collection centers;
 - (iv) aggregation points;
 - (v) curbside used oil collection programs;
 - (vi) used oil transporters;
 - (vii) used oil transfer facilities;
 - (viii) used oil burners;
 - (ix) used oil processors and rerefiners; and
 - (x) used oil marketers;
 - (i) establish by rule standards for determining on-specification and off-specification used oil and specified mixtures of used oil, subject to Section 19-6-707 regarding rebuttable presumptions;
 - (j) establish by rule standards for closure, remediation, and response to releases involving used oil; and
 - (k) establish a public education program to promote used oil recycling and use of used oil collection centers.
- (2) The board may:

- (a) hold a hearing that is not an adjudicative proceeding relating to any aspect of or matter in the administration of this part;
- (b) require retention and submission of records required under this part; or
- (c) require audits of records and recordkeeping procedures required under this part and rules made under this part, except that audits of records regarding the fee imposed and collected by the commission under Sections 19-6-714 and 19-6-715 are the responsibility of the commission under Section 19-6-716.

Amended by Chapter 360, 2012 General Session